

THE STATE OF NEW HAMPSHIRE

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March 30, 1983

Mr. Robert X. Danos, Director
Division of Safety Services
Department of Safety
Hazen Drive
Concord, New Hampshire 03301

Re: State Ownership on Lake Winnepesaukee

Dear Mr. Danos:

You have asked a question concerning the extent of state ownership on Lake Winnepesaukee.

It is well established, both by statute and at common law, that all natural bodies of fresh water of more than 10 acres in area are public waters and are held in trust by the State for the use of the public. RSA 271:20 (Supp. 1981); Sundell v. Town of New London, 119 N.H. 839 (1979). The title of the State to public waters extends to the high water mark. Hartford v. Gilmanton, 101 N.H. 424 (1958). Owners of shore property are, of course, members of the public with a right to use of the lake (below the high water mark), and in fact have more extensive property rights in the lake, such as the right to construct docks, than the general public. Sundell v. Town of New London, supra.

If specific questions arise concerning the application of these principles, I would be happy to respond.

Very truly yours,

Betsy S. Westgate

Betsy S. Westgate
Assistant Attorney General
Division of Legal Counsel

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cc: Mr. Richard M. Flynn

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